

U.S. DEPARTMENT OF TRANSPORTATION FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION FIELD OPERATIONS TRAINING MANUAL

Volume - II: Compliance

Chapter 11: Acute and Critical Regulations

- Par. 1. Acute and Critical Regulations Definitions**
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3. List of Hazardous Material Shipper Regulations
4. List of Cargo Tank Regulations

1. ACUTE AND CRITICAL REGULATIONS DEFINITIONS

- a. Acute regulations are those regulations within the FMCSRs and HMRs which if violated are severe and demand immediate corrective action by the motor carrier regardless of the overall safety posture of the carrier.
- b. Critical regulations are those regulations within the FMCSRs and HMRs which if violated indicate breakdowns in the management and/or operational controls of the motor carrier.

2. LIST OF ACUTE AND CRITICAL REGULATIONS

The following is a list of **acute** and **critical** regulations to be used for the Safety Fitness Rating Methodology. For some of the citations for violations of these regulations, guidance is provided to determine the number checked. 65 Fed. Reg. 11904 (March 7, 2000).

PART 382

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| 382.115(a) | Failing to implement an alcohol and/or controlled substances testing program (domestic motor carrier). (acute) |
| 382.201 | Using a driver known to have an alcohol concentration of 0.04 or greater. (acute) |
| 382.211 | Using a driver who has refused to submit to an alcohol or controlled substances test required under part 382. (acute) |

382.213(b)	Using a driver known to have used a controlled substance. (acute)
382.215	Using a driver known to have tested positive for a controlled substance (acute)
382.301(a)	Using a driver before the motor carrier has received a negative pre-employment controlled substance test result (critical) (Number checked is the number of drivers reviewed that should have undergone a pre-employment controlled substance test.)
382.303(a)	Failing to conduct post accident testing on driver for alcohol and/or controlled substances. (critical) (Number checked is the number of drivers reviewed that should have undergone a post accident alcohol and/or controlled substances test.)
382.305	Failing to implement a random controlled substances and/or an alcohol testing program. (acute)
382.305(b)(1)	Failing to conduct random alcohol testing at an annual rate of not less than the applicable annual rate of the average number of driver positions. (critical) (Number checked is the number of tests required to meet an annual testing rate of not less than the applicable rate of the average number of driver positions.)
382.305(b)(2)	Failing to conduct random controlled substances testing at an annual rate of not less than the applicable rate of the average number of driver positions. (critical) (Number checked is the number of tests required to meet an annual testing rate of not less than the applicable rate of the average number of driver positions.)
382.309(a)	Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02. (acute)
382.309(b)	Using a driver who has not undergone a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances. (acute)
382.503	Allowing a driver to perform safety sensitive function, after engaging in conduct prohibited by Subpart B, without being evaluated by a substances abuse professional, as required by

§ 382.605. **(critical)** (Number checked is the number of drivers reviewed that engaged in conduct prohibited by subpart B.)

- 382.505(a) Using a driver within 24 hours after being found to have an alcohol concentration of 0.02 or greater, but less than 0.04. **(acute)**
- 382.605(c)(1) Using a driver who has not undergone a return-to-duty alcohol test with a result indicating an alcohol concentration of less than .02 or with verified negative test result, after engaging in conduct prohibited by part 382 subpart B. **(acute)**
- 382.605(c)(2)(ii) Failing to subject a driver who has been identified as needing assistance to at least six unannounced follow-up alcohol and controlled substance tests in the first 12 months following the driver's return to duty. **(critical)** (Number checked is the number of drivers reviewed that have been identified as needing assistance.)

PART 383

- 383.23(a) Operating a commercial motor vehicle without a valid commercial driver's license. **(critical)** (Number checked is the number of drivers reviewed to ensure they had a valid commercial driver's license.)
- 383.37(a) Knowingly, allowing, requiring, permitting, or authorizing an employee with a Commercial Driver's License which is suspended, revoked, or canceled by a state or who is disqualified to operate a commercial motor vehicle. **(acute)**
- 383.37(b) Knowingly, allowing, requiring, permitting, or authorizing an employee with more than one commercial driver's license to operate a commercial motor vehicle. **(acute)**
- 383.51(a) Knowingly, allowing, requiring, permitting, or authorizing a driver to drive who is disqualified to drive a commercial motor vehicle. **(acute)**

PART 387

- 387.7(a) Operating a motor vehicle without having in effect the required minimum levels of financial responsibility coverage. **(acute)**

- 387.7(d) Failing to maintain at principal place of business required proof of financial responsibility. **(critical)**
- 387.31(a) Operating a passenger carrying vehicle without having in effect the required minimum levels of financial responsibility. **(acute)**
- 387.31(d) Failing to maintain at principal place of business required proof of financial responsibility for passenger vehicles. **(critical)**

PART 390

- 390.15(b)(2) Failing to maintain copies of all accident reports required by State or other governmental entities or insurers. **(critical)**
(Number checked is the number of accidents checked for which a report was required by a state, other governmental entity, or insurer.)
- 390.35 Making, or causing to make fraudulent or intentionally false statements or records and/or reproducing fraudulent records. **(acute)**

PART 391

- 391.11(b)(4) Using a physically unqualified driver. **(acute)**
- 391.15(a) Using a disqualified driver. **(critical)**
- 391.45(a) Using a driver not medically examined and certified. **(critical)**
(Number checked is the number of drivers reviewed to ensure they were medically examined.)
- 391.45(b)(1) Using a driver not medically examined and certified each 24 months. **(critical)** (Number checked is the number of drivers reviewed to ensure they had current medical examiner's certificates.)
- 391.51(a) Failing to maintain driver qualification file on each driver employed. **(critical)** (Number checked is the number of drivers reviewed to ensure they had a driver qualification file.)
- 391.51(b)(2) Failing to maintain inquiries into driver's driving record in driver's qualification file. **(critical)** (Number checked is the number of qualification files reviewed for inquiries into drivers driving records.)

- 391.51(b)(7) Failing to maintain medical examiner's certificate in driver's qualification file. **(critical)** (Number checked is the number of qualification files reviewed for a medical examiner's certificate.)

PART 392

- 392.2 Operating a motor vehicle not in accordance with the laws, ordinances, and regulations of the jurisdiction in which it is being operated. **(critical)** (Number checked is the number of interstate trips checked for compliance with the law, ordinance, or regulation violated.)
- 392.4(b) Requiring or permitting a driver to drive while under the influence of, or in possession of, a narcotic drug, amphetamine, or any other substance capable of rendering the driver incapable of safely operating a motor vehicle. **(acute)**
- 392.5(b)(1) Requiring or permitting a driver to drive a motor vehicle while under the influence of, or in possession of, an intoxicating beverage. **(acute)**
- 392.5(b)(2) Requiring or permitting a driver who shows evidence of having consumed an intoxicating beverage within 4 hours to operate a motor vehicle. **(acute)**
- 392.6 Scheduling a run which would necessitate the vehicle being operated at speeds in excess of those prescribed. **(critical)** (Number checked is the number of runs checked to conclude if the run would necessitate the vehicle being operated at speeds in excess of those prescribed.)
- 392.9(a)(1) Requiring or permitting a driver to drive without the vehicle's cargo being properly distributed and adequately secured. **(critical)** (Number checked is the number of vehicles reviewed for proper cargo distribution and securement.)

PART 395

- 395.1(h)(1)(i) Requiring or permitting a driver to drive more than 15 hours. (driving in Alaska). **(critical)** (Number checked is the number of records of duty status checked in which the driver recorded driving time.)

- 395.1(h)(1)(ii) Requiring or permitting a driver to drive after having been on duty 20 hours. (driving in Alaska) **(critical)** (Number checked is the number of records of duty status checked in which the driver recorded driving time.)
- 395.1(h)(1)(iii) Requiring or permitting a driver to drive after having been on duty more than 70 hours in 7 consecutive days. (driving in Alaska) **(critical)** (Number checked is the number of 7 day periods checked for compliance.)
- 395.1(h)(1)(iv) Requiring or permitting a driver to drive after having been on duty more than 80 hours in 8 consecutive days. (driving in Alaska) **(critical)** (Number checked is the number of 8 day periods checked for compliance.)
- 395.3(a)(1) Requiring or permitting a driver to drive more than 10 hours. **(critical)** (Number checked is the number of records of duty status checked in which the driver recorded driving time.)
- 395.3(a)(2) Requiring or permitting a driver to drive after having been on duty 15 hours. **(critical)** (Number checked is the number of records of duty status checked in which the driver recorded driving time.)
- 395.3(b)(1) Requiring or permitting a driver to drive after having been on duty more than 60 hours in 7 consecutive days. **(critical)** (Number checked is the number of 7 day periods checked for compliance.)
- 395.3(b)(2) Requiring or permitting a driver to drive after having been on duty more than 70 hours in 8 consecutive days. **(critical)** (Number checked is the number of 8 day periods checked for compliance.)
- 395.8(a) Failing to require a driver to make a record of duty status. **(critical)** (Number checked is the number of days checked in which a record of duty status was required.)
- 395.8(e) False reports of records of duty status (critical). **(critical)** (This citation is for violations in which the supporting document(s) indicate the records of duty status are false by one hour or more, or fifty or more miles. The number checked is the number of records of duty status checked against supporting documentation.)

- 395.8(i) Failing to require a driver to forward within 13 days of completion, the original of the record of duty status. **(critical)** (Number checked is the number of days checked in which a record of duty status should have been on file.)
- 395.8(k)(1) Failing to preserve driver's record of duty status for 6 months. **(critical)** (Number checked is the number of days checked in which a record of duty status should have been on file.)
- 395.8(k)(1) Failing to preserve driver's records of duty status supporting documents for 6 months. **(critical)** (Number checked is the number of records of duty status in which supporting documents should have been kept.)

PART 396

- 396.3(b) Failing to keep minimum records of inspection and vehicle maintenance. **(critical)** (Number checked is the number of vehicles checked for minimum records of inspection and vehicle maintenance.)
- 396.9(c)(2) Requiring or permitting the operation of a motor vehicle declared "out-of-service" before repairs were made. **(acute)**
- 396.11(a) Failing to require driver to prepare driver vehicle inspection report. **(critical)** (Number checked is the number of days reviewed to ensure a driver vehicle inspection report had been prepared.)
- 396.11(c) Failing to correct out-of-service defects listed by driver in a driver vehicle inspection report. **(acute)**
- 396.17(a) Using a commercial motor vehicle not periodically inspected. **(critical)** (Number checked is the number of vehicles checked to ensure they were periodically inspected as required by § 396.17.)
- 396.17(g) Failing to promptly repair parts and accessories not meeting minimum periodic inspection standards. **(acute)**

PART 397

- 397.5(a) Failing to ensure a motor vehicle containing Division 1.1, 1.2, or 1.3 (explosive) material is attended at all times by its driver or a qualified representative. **(acute)**

- 397.7(a)(1) Parking a motor vehicle containing Division 1.1, 1.2, or 1.3 materials within 5 feet of traveled portion of highway. **(critical)** (Number checked is the number of instances checked for compliance with § 397.7(a)(1).)
- 397.7(b) Parking a motor vehicle containing hazardous material(s) other than Division 1.1, 1.2, or 1.3 materials within 5 feet of traveled portion of highway or street. **(critical)** (Number checked is the number of instances checked for compliance with § 397.7(b).)
- 397.13(a) Permitting a person to smoke or carry a lighted cigarette, cigar or pipe within 25 feet of a motor vehicle containing Class 1 materials, Class 5 materials, or flammable materials classified as Division 2.1, Class 3, Divisions 4.1 and 4.2. **(critical)** (Number checked is the number of instances checked for compliance with § 397.13(a).)
- 397.19(a) Failing to furnish a driver of motor vehicle transporting Division 1.1, 1.2, or 1.3 (explosive) materials with a copy of the rules of part 397 and/or emergency response instructions. **(critical)** (Number checked is the number of instances checked for compliance with § 397.19(a).)
- 397.67(d) Requiring or permitting the operation of a motor vehicle explosives in Division 1.1, 1.2, or 1.3 that is not accompanied by a written route plan. **(critical)** (Number checked is the number of instances checked for compliance with § 397.67(d).)

PART 171

- 171.15 Carrier failing to give immediate telephone notice of an incident involving hazardous materials. **(critical)** (Number checked is the number of hazardous materials incidents checked which required immediate telephone notice.)
- 171.16 Carrier failing to make a written report of an incident involving hazardous materials. **(critical)** (Number checked is the number of hazardous materials incidents checked which required a written report.)

PART 177

- 177.800(c) Failing to instruct a category of employees in hazardous materials regulations. **(critical)** (Number checked is the number of employees checked to ensure they were instructed in hazardous materials regulations.)

- 177.817(a) Transporting a shipment of hazardous materials not accompanied by a properly prepared shipping paper. **(critical)** (Number checked is the number of instances checked for compliance with § 177.817(a).)
- 177.817(e) Failing to maintain proper accessibility of shipping papers. **(critical)** (Number checked is the number of instances checked for compliance with § 177.817(e).)
- 177.823(a) Moving a transport vehicle containing hazardous material that is not properly marked or placarded. **(critical)** (Number checked is the number of instances checked for compliance with § 177.823(a).)
- 177.841(e) Transporting a package bearing a poison label in the same transport vehicle with material marked or known to be foodstuff, feed, or any edible material intended for consumption by humans or animals unless an exception in § 177.841(e)(i) or (ii) is met. **(acute)**

PART 180

- 180.407(a) Transporting a shipment of hazardous material in a cargo tank that has not been inspected or retested in accordance with § 180.407. **(critical)** (Number checked is the number of instances checked for compliance with § 180.407(a).)
- 180.407(c) Failing to periodically test and inspect a cargo tank. **(critical)** (Number checked is the number of cargo tanks checked for compliance with periodic test and inspection requirements.)
- 180.415 Failing to mark a cargo tank which passed an inspection or test required by § 180.407. **(critical)** (Number checked is the number of cargo tanks checked for test markings.)
- 180.417(a)(1) Failing to retain cargo tank manufacturer's data report or certificate and related papers, as required. **(critical)** (Number checked is the number of cargo tanks checked for compliance with § 180.417(a)(1).)
- 180.417(a)(2) Failing to retain copies of cargo tank manufacturer's certificate and related papers (or alternative report) as required. **(critical)** (Number checked is the number of cargo tanks checked for compliance with § 180.417(a)(2).)

3. LIST OF HAZARDOUS MATERIAL SHIPPER REGULATIONS

Violations of the following regulations within the HMRs are severe and demand immediate corrective action by a shipper. Enforcement action is taken when a violation of the following regulations is discovered unless there are strong mitigating circumstances.

Part 172

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| 172.200(a) | Offering a hazardous material without preparing a shipping paper. (Use for nothing prepared.) |
| 172.203(m) | Failing to enter the words "Poison Inhalation Hazard" or "Toxic Inhalation Hazard" on the shipping paper when required. |
| 172.205(a) | Offering a hazardous waste without a hazardous waste manifest. |
| 172.313(a) | Failing to mark a package of hazardous materials with the words "Inhalation Hazard" when required. |

Part 173

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| 173.21(a) | Offering a forbidden material for transportation. |
| 173.21(e) | Offering for transportation materials which if combined, would likely cause a dangerous evolution of heat, flammable or poisonous gas or vapor, or a corrosive material. |
| 173.22(a)(2) | Offering a hazardous material in an unauthorized package. |
| 173.24(b)(2) | Offering for transportation a hazardous material in a package which resulted in the effectiveness of the package being substantially reduced. |
| 173.30/
177.848(d) | Loading hazardous materials not in accordance with the segregation table. |
| 173.33(b)(1) | Transporting in a cargo tank motor vehicle a hazardous material which had a dangerous reaction when in contact with the tank. |
| 173.33(c)(5) | Loading a division 6.1 material in a cargo tank having a maximum allowable working pressure of less than 25 psig. |
| 173.34(a) | Offering a cylinder that is not free of leaks, bulges, defective valves or safety devices, or bears evidence of physical abuse. |

173.34(e)	Offering a cylinder that has not been retested and marked as required.
173.40(d)	Offering a cylinder charged/filled with a poisonous material without providing additional protection as required.
173.301(g)	Offering a charged/filled cylinder with flammable, corrosive, or noxious gases without a prescribed valve protection device.
173.301(i)	Offering a charged/filled cylinder that was manufactured outside the United States, not in accordance with prescribed DOT specifications.
173.413	Using a Type B package not designed and constructed in accordance with all applicable requirements contained in 10 CFR 71.
173.431(a)	Offering (or accepting) for transportation in a type A package a quantity greater than that authorized.
173.431(b)	Offering for transportation in a type B package a quantity greater than that authorized.
173.441	Offering a package of radioactive material that exceeds allowable external radiation levels.
173.447	Storing in one area packages of radioactive material that exceed a total Transport Index of 50.
173.457(b)(3)	Offering a fissile material, controlled shipment in a conveyance containing other packages of any Class 7 (radioactive) material required to bear one of the labels prescribed in 49 CFR 172.403.

Violations of the following regulations within the HMRs indicate breakdowns in the management and/or operational controls of a shipper. When a violation of a following regulations results in an accident or hazardous material incident, or contributes to either occurrence taking place, enforcement action should be taken. Otherwise, enforcement action for violations of the following regulations is taken upon the discovery of an unacceptable level of compliance. Compliance with the following regulations is generally unacceptable when the violation frequency meets or exceeds 10%. Enforcement action is optional, however, for a violation frequency at or slightly over 10% in justified circumstances. When enforcement action is not taken under this situation, the investigator must provide an explanation in Part C of the CR report.

Part 172

- 172.202(a) Failing to enter the proper description of a hazardous material on a shipping paper. (Use for incorrect or incomplete shipping papers or to consolidate multiple shipping paper violations.)
- 172.203(a) Failing to enter on a shipping paper the notation "DOT-E" followed by the exemption number.
- 172.203(c)(1) Failing to enter the hazardous substance constituent on a shipping paper when not identified by the proper shipping name.
- 172.203(d) Failing to include on shipping papers for a shipment of radioactive material physical and chemical form, activity, and category of label.
- 172.203(n) Failing to enter the word "HOT" on the shipping paper for elevated temperature materials as required.
- 172.205(a) Failing to properly prepare a hazardous waste manifest. (Use for an incorrect or incomplete hazardous waste manifest.)
- 172.205(b) Failing to prepare the hazardous waste manifest in accordance with 40 CFR Part 262.
- 172.301(a)(1) Failing to properly mark a non-bulk package of hazardous material with the proper shipping name and identification number.
- 172.320(a) Failing to mark a package containing Class 1 material with the appropriate EX-number. (Check for applicable exceptions before citing.)
- 172.326 Failing to properly mark a portable tank of hazardous materials with the proper shipping name and identification number.
- 172.326(c)(2) Failing to provide to a motor carrier the required identification numbers for a portable tank.
- 172.328(a)(1) Failing to provide to a motor carrier the required identification numbers for cargo tank.
- 172.400(a) Failing to properly label a package of hazardous materials.
- 172.403 Failing to affix the correct label to a package of radioactive material.

- 172.506(a)(1) Failing to provide the required placards to a motor carrier.
- 172.600(c)(1) Failing to provide emergency response information.
- 172.604(a) Failing to provide an emergency response telephone number.
- 172.604(a)(1) Failing to provide an emergency response telephone number which is monitored at all times that a hazardous material is in transit.
- 172.604(a)(2) Failing to provide the 24 hour emergency response telephone number of a person who is knowledgeable of the hazards and characteristics of the hazardous materials being shipped (of a person who does not have comprehensive emergency response and accident mitigation information).
- 172.704(a) Failing to train hazardous material employees as required.
(Use when at least 10% of hazardous material employees are not trained as required.)

Part 173

- 173.30/
177.834(g) Failing to brace containers of hazardous materials to prevent relative motion between containers.
- 173.30/
177.835(a) Loading into or on, or unloading a Class 1 (explosive) material from a motor vehicle with the engine running.
- 173.34(c) Offering a charged/filled cylinder for which required markings have not been properly maintained.
- 173.34(d)(4) Offering a cylinder charged with fluorine equipped with a safety relief device.
- 173.301(d) Offering manifolded (interconnected) cylinders except as authorized.
- 173.301(e) Offering a charged/filled cylinder that has a container pressure at 70 degrees F (21.1 C) which exceeds its marked or designated service pressure.
- 173.301(f) Offering a charged/filled cylinder that has a container pressure at 130 degrees F (54.4C) which exceeds 5/4 times its marked or designated service pressure.

173.421	Offering a radioactive material for transportation not in proper condition for shipment. (Use for limited quantities of radioactive material which does not meet one or more of the conditions in § 173.421).
173.421	Offering a radioactive material described, marked and packaged as a limited quantity that exceeds .5 mr on the surface of a package.
173.422	Offering a radioactive material for transportation not in proper condition for shipment. (applies to radioactive instruments and articles which does not meet one or more of the conditions in 173.422).
173.442(b)(1)	Offering a package of radioactive material exceeding 122 degrees Fahrenheit on the external surface of the package. (Non-exclusive use)
173.442(b)(2)	Offering a package of radioactive material exceeding 185 degrees Fahrenheit on the external surface of the package. (Exclusive use)
173.443(a)	Offering a package of radioactive material with removable contamination in excess of 22 dpm/square cm.
173.443(b)	Offering a package of radioactive material with removable contamination in excess of 220 dpm/square cm.

4. LIST OF CARGO TANK REGULATIONS

Violations of the following regulations within the HMRs are severe and demand immediate corrective action by the violator. Enforcement action is taken when a violation of the following regulations is discovered unless there are strong mitigating circumstances.

171.2(c)	(Representing, marking, certifying, selling or offering) a package or container as meeting the requirements of this subchapter, whether or not it is used or intended to be used for the transportation of a hazardous materials when it was not (manufactured, fabricated, marked, maintained, reconditioned, repaired, or retested) in accordance with this subchapter.
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173.24(b)(1)	Transporting hazardous materials in a portable tank which has an identifiable release of hazardous materials to the environment.
173.24(b)(1)	Transporting hazardous materials in a non-bulk packaging which has an identifiable release of hazardous materials to the environment.
173.24b(d)(2)	Loading a cargo tank with a hazardous material which exceeds the maximum weight of lading marked on the specification plate.
173.33(a)	Offering or accepting for transportation a hazardous material in an unauthorized cargo tank motor vehicle.
173.33(a)(2)	Transporting or loading two or more materials in a cargo tank motor vehicle which resulted in an unsafe condition (fire, explosion, etc.)
173.33(c)(5)	Loading a Division 6.1 material in a cargo tank having a maximum allowable working pressure of less than 25 psig.
173.33(e)	Transporting (Division 6.1 material, oxidizer liquid, liquid organic peroxide, or corrosive liquid) in cargo tank piping without bottom damage protection devices meeting the requirements of § 178.337-10 or § 178.345-8(b).
173.33(e)	Transporting (Division 6.1 material, oxidizer liquid, liquid organic peroxide, or corrosive liquid) in cargo tank piping while using a sacrificial device to satisfy accident damage protection requirements.
177.801	Transporting a forbidden material.
177.834(i)	Failing to attend a cargo tank during loading (or unloading).
177.834(j)	Transporting a Class 3 material in a cargo tank while failing to have all manhole closures closed and secured (all valves and other closures in the liquid discharge system closed and free of leaks).
177.834(j)	Transporting a Class 8 material in a cargo tank while failing to have all manhole closures closed and secured (all valves and other closures in the liquid discharge system closed and free of leaks).

- 177.834(j) Transporting a Division 6.1 material in a cargo tank while failing to have all manhole closures closed and secured (all valves and other closures in the liquid discharge system closed and free of leaks). Deals only with valves, manholes, and other closures.
- 180.3(a) (Representing, marking, certifying, selling or offering) a package or container as meeting (a requirement of 49 CFR part 180 or a DOT exemption issued under 49 CFR part 107), when it was not (marked, maintained, reconditioned, repaired, or retested) in accordance with part 180.
- 180.405(b) Marking or certifying a cargo tank to a specification no longer authorized.
- Note: For marking or certification of 306, 307, and 312 series cargo tanks after 08/31/95.
- 180.407(a)(2) Subjecting a cargo tank to a pressure greater than its design pressure or maximum allowable working pressure (MAWP).
- Note: Except during a pressure test, loading, or unloading.
- 180.407(b)(1) Failing to test and inspect a cargo tank which shows evidence of bad dents, corroded or abraded areas, leakage, or any other condition that might render it unsafe for transportation.
- 180.407(b)(2) Failing to test and inspect a cargo tank which has been in an accident and has been damaged to an extent that may adversely affect its lading retention capability.
- 180.407(b)(3) Failing to conduct a pressure test in accordance with § 180.407(g) on a cargo tank which has been out of hazardous materials transportation service for a period of one year or more.
- 180.407(b)(4) Failing to test and inspect a cargo tank which has been modified from its original design specification.
- 180.407(b)(5) Failing to conduct a test or inspection on a cargo tank when required by the Department of Transportation.
- 180.413(b)(1) Performing a repair of a non-ASME Code stamped cargo tank while failing to hold a valid ASME Certificate of Authorization for the use of the "U" Stamp or a National Board Certificate of Authorization for the use of the "R" stamp.
- Note: Non-ASME tanks only

180.413(b)(2) Performing a repair of an ASME Code “U” stamped cargo tank while failing to hold a valid National Board Certificate of Authorization for the use of the “R” stamp.

Note: ASME tanks only

180.413(b)(5) Failing to perform a repair of an ASME Code “U” stamped cargo tank in accordance with the National Board Inspection Code.

Note: ASME tanks only

180.413(d)(1) Performing a (stretching, modification, or rebarrelling) of a non-ASME Code stamped cargo tank while failing to hold a valid ASME Certificate of Authorization for the use of the “U” Stamp or a National Board Certificate of Authorization for the use of the “R” stamp.

Note: Non-ASME tanks only

180.413(d)(2) Performing a (stretching, modification, or rebarrelling) of an ASME Code “U” stamped cargo tank while failing to hold a valid National Board Certificate of Authorization for the use of the “R” stamp.

Note: ASME tanks only

180.413(d)(3) Failing to performing a (stretching, modification, or rebarrelling) of a cargo tank to the applicable specification.

180.413(d)(5) Failing to have a (stretching, modification, or rebarrelling) of a cargo tank certified by a Design Certifying Engineer.

180.413(d)(9) Failing to perform a (stretching, modification, or rebarrelling) of an ASME Code “U” stamped cargo tank in accordance with the National Board Inspection Code.

Note: ASME tanks only

Violations of the following regulations within the HMRs indicate breakdowns in the management and/or operational controls of the violator. When a violation of a following regulations results in an accident or hazardous material incident, or contributes to either occurrence taking place, enforcement action should be taken. Otherwise, enforcement action for violations of the following regulations is taken

upon the discovery of an unacceptable level of compliance. Compliance with the following regulations is generally unacceptable when the violation frequency meets or exceeds 10%. Enforcement action is optional, however, for a violation frequency at or slightly over 10% in justified circumstances. When enforcement action is not taken under this situation, the investigator must provide an explanation in Part C of the CR report.

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| 107.502(b) | (Manufacturing, assembling, certifying, inspecting, or repairing) a cargo tank or cargo tank motor vehicle manufactured to a DOT specification, without registering. |
| 177.824 | Operating a specification cargo tank containing a hazardous material which does not conform to the retest and inspection requirements set forth in part 180. |
| 180.405(g) | Failing to equip a cargo tank with manhole assemblies conforming with § 178.345-5.

Note: Ensure the assembly does not meet an exception. |
| 180.405(h) | Failing to replace a reclosing pressure relief valve with a valve meeting the requirements of § 178.345-10.

Note: Only applicable when valve is being replaced. There is no retrofit requirement. |
| 180.407(a)(1) | Offering a DOT specification cargo tank which has not successfully completed a test or inspection which has become due as specified in § 180.407(c). |
| 180.407(a)(3) | Performing or witnessing a test or inspection on a cargo tank without meeting the minimum qualifications prescribed in § 180.409. |
| 180.407(d) | Failing to perform an external visual inspection as prescribed. |
| 180.407(e) | Failing to perform an internal visual inspection as prescribed. |
| 180.407(f) | Failing to perform a lining inspection as prescribed. |
| 180.407(g) | Failing to perform a pressure retest as prescribed. |
| 180.407(g)(3) | Failing to perform a wet fluorescent magnetic particle test on an MC-330/331 cargo tank. |

180.407(h)	Failing to perform a leakage test as prescribed.
180.407(i)	Failing to perform a thickness test as prescribed.
180.413(b)(6)	Failing to verify the suitability of a repair affecting the structural integrity of the cargo tank by testing as prescribed in the applicable specification or in § 180.407(g)(1)(iv).
180.413(c)	Failing to leak test repairs done to piping or valves. Note: Not a leakage test as prescribed in § 180.407(h).
180.413(d)(10)	Failing to verify the suitability of a modification affecting the structural integrity of the cargo tank with respect to pressure by testing as prescribed in the applicable specification or in § 180.407(g)(1)(iv). (Use for an inspection facility.)
180.413(e)	Failing to retain records of repair, modification, stretching, or rebarrelling made to each tank, as required.
180.417(a)(1)	Failing to maintain cargo tank manufacturer's data report or certificate and related papers, as required.
180.417(a)(2)	Failing to maintain cargo tank manufacturer's certificate and related papers or an alternative report, as required.
180.417(b)(2)	Failing to retain a copy of test and inspection reports as required.
180.417(c)(2)	Failing to retain a copy of the pressure test report as required. Note: MC 330 and MC 331 cargo tanks only